

**EXHIBIT B**

**[Proposed Form of Interrogatories]**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC,

Reorganized Debtor.<sup>1</sup>

OPIOID MASTER DISBURSEMENT TRUST II,

Plaintiff,

vs.

ARGOS CAPITAL APPRECIATION MASTER  
FUND LP, *et al.*,

Defendants.

Chapter 11

Case No. 20-12522 (JTD)

Adversary Proceeding  
No. 22-50435 (JTD)

**PLAINTIFF’S INTERROGATORIES TO DEFENDANTS REGARDING  
CONDUIT, NON-TRANSFEREE, AND “STOCKBROKER” DEFENSES**

On October 12, 2022, the Opioid Master Disbursement Trust II (the “**Trust**” or the “**Plaintiff**”), a statutory trust established under the *Modified Fourth Amended Joint Plan of Reorganization (With Technical Modifications) of Mallinckrodt plc and Its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code* (D.I. 7670),<sup>2</sup> filed under seal the complaint (“**Complaint**”) commencing the above-captioned adversary proceeding (“**Proceeding**”), which seeks to avoid and recover, in accordance with applicable provisions of the Bankruptcy Code, the

<sup>1</sup> The Reorganized Debtor in this chapter 11 case is Mallinckrodt plc (“**Mallinckrodt**”). On May 3, 2023, the Court closed the chapter 11 cases of the Reorganized Debtor’s debtor-affiliates (collectively, “**Debtors**”). A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtor’s claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtor’s mailing address is 675 McDonnell Blvd., Hazelwood, Missouri 63042.

<sup>2</sup> Pleadings filed in *In re Mallinckrodt plc*, No. 20-bk-12522 (JTD) (Bankr. D. Del.) are referred to with the citation “**D.I. \_\_.**” Pleadings filed in this adversary proceeding are referred to with the citation “**Adv. D.I. \_\_.**”

proceeds transferred to certain entities, including the entities currently named as defendants (each a “**Defendant**” and collectively “**Defendants**”) in exchange for the ordinary shares that Mallinckrodt plc (“**Mallinckrodt**”) repurchased or redeemed as part of its share repurchase program (“**Share Repurchases**”). *See* Adv. D.I. 2. On October 24, 2023, the Trust filed under seal its Amended Complaint (“**Amended Complaint**”) identifying additional Defendants and Share Repurchases. Adv. D.I. 205.

On \_\_\_\_\_, 2024, the Court entered an order granting leave to serve a limited set of interrogatories (“**Interrogatories**”) on Defendants (“**Order**”). Adv. D.I. \_\_\_\_\_. The Order authorized the Trust to serve the following Interrogatories on Defendants, to ascertain whether Defendants intend to assert any defense that could implicate unnamed parties as to the Share Repurchases and allow the Trust the opportunity to name those unnamed parties in a further amended complaint.

As such, in accordance with Federal Rules of Civil Procedure (“**Civil Rules**”) 26 and 33, made applicable by Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”) 7026 and 7033, the Trust hereby requests that Defendant [Insert Name of Defendant] serve written answers under oath to the Interrogatories set forth below within thirty (30) days of the date of these Interrogatories, or at such other time and place as may be ordered by the Court or agreed to by the parties.

### **DEFINITIONS**

In addition to the terms defined above, the following terms and their respective definitions shall apply to the Instructions and Interrogatories set forth below.

1. **Affiliate:** The term “Affiliate” shall have the definition ascribed to it in 11 U.S.C. § 101(2).

2. **Conduit:** A “Conduit” is or was a person or entity that was a non-beneficial holder of Mallinckrodt stock through which a certain amount of Proceeds (defined below) passed, but that was not the beneficial holder of such stock or ultimate recipient of such Proceeds.

3. **Conduit/Non-Transferee Defense:** A “Conduit/Non-Transferee Defense” is a defense or potential defense against any of the claims or causes of action alleged in the Amended Complaint that is based on, arises from, or is attributable to, Your belief or contention that You are or were a Conduit, a Non-Transferee, or a Stockbroker as to any of the Share Repurchases

4. The term “**including**” or “**includes**” means including without limitation.

5. **Non-Transferee:** A “Non-Transferee” is or was an entity that did not receive, or have dominion and control over, Proceeds.

6. **Proceeds** means any money or profit made or derived from the Share Repurchases.

7. **Stockbroker:** A “Stockbroker” shall have the meaning ascribed to such term in 11 U.S.C. § 101(53A).

8. The words “**You**” and “**Your**” and variants thereof refer to Defendant [Insert Name of Defendant].

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions, and for purposes of these Interrogatories, the following Instructions shall be followed:

1. All responses to the Interrogatories shall comply with the requirements of the Civil Rules, the Bankruptcy Rules, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware. In addition, all responses shall be made in accordance with the Order.

2. The singular includes the plural and vice versa, except as the context may otherwise require; any Interrogatory propounded in the present tense shall also be read as if propounded in the

past tense and vice versa; reference to any gender includes the other gender; the words “and” and “or” shall be construed as either conjunctive or disjunctive in such manner as will broaden as widely as possible the scope of any Interrogatory. Any ambiguity in an Interrogatory shall be construed to bring within the scope of the Interrogatory all responses that otherwise could be construed to be outside of its scope.

3. These Interrogatories are not intended to be duplicative including with any prior discovery requests. All Interrogatories should be responded to fully and to the extent not covered by other discovery requests.

4. If You object to any Interrogatory, state Your objection and the ground or grounds with particularity in Your written response. Any ground not stated will be waived. If an objection is made only to part of the Interrogatory, identify that part in Your written response and state Your objection and the ground(s) therefor.

5. These Interrogatories are continuing, to the full extent required or permitted under the Bankruptcy Rules. If, after responding to the Interrogatories, You obtain or become aware of any information not previously disclosed that is responsive to one or more of these Interrogatories, You are required to supplement such Interrogatories. Supplemental Interrogatory responses should be served within thirty (30) days after such information becomes known to You.

6. If any part of these Interrogatories cannot be responded to in full, respond to the extent possible, specifying the reason(s) for Your inability to respond to the remainder and stating whatever information or knowledge You have concerning the portion to which You do not respond.

7. If any privilege is claimed as a ground for not answering any Interrogatory in full, provide all of the information required by Civil Rule 26(b)(5).

8. The fact that an investigation is continuing or that discovery is incomplete shall not be a justification for failing to respond to these Interrogatories based on the knowledge or information that You possess at the time You respond to these Interrogatories. If an investigation is continuing or discovery is not complete with respect to the matter inquired into by any Interrogatory, so state in Your response to that Interrogatory.

9. If any information responsive to an Interrogatory is not known, then that lack of knowledge must be specifically indicated in writing. If any information requested by an Interrogatory is not in Your possession but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of Your belief or knowledge that the requested information is in such person's or entity's possession.

### **INTERROGATORIES**

1. Do You believe or contend that You have or may have one or more Conduit/Non-Transferee Defenses in this Proceeding?

2. If You believe or contend that You have or may have one or more Conduit/Non-Transferee Defenses in this Proceeding, identify and describe in detail all facts relevant to each such Defense, including (1) the legal name and address of the entity that received the Proceeds; (2) the date(s) of the relevant sales, including the trade and settlement dates; (3) the time of the sale (to the smallest unit of time available); (4) the number of shares sold; (5) the share price; (6) the exchange on which the Share Repurchases were executed; (7) any trade identifying information (including but not limited to FIX Tag information); and (8) whether the person or entity that received the Proceeds is an Affiliate of Yours.

[Signature Page to Follow]

Dated: January \_\_ 2024  
Wilmington, Delaware

**COLE SCHOTZ P.C.**

---

Justin R. Alberto (No. 5126)  
Patrick J. Reilley (No. 4451)  
500 Delaware Avenue, Suite 1410  
Wilmington, Delaware 19801  
Telephone: (302) 652-3131  
Facsimile: (302) 652-3117  
jalberto@coleschotz.com  
preilley@coleschotz.com

Anthony De Leo (admitted *pro hac vice*)  
1325 Avenue of the Americas, 19th Floor  
New York, NY 10019  
Telephone: (212) 752-8000  
Facsimile: (212) 752-8393  
adeleo@coleschotz.com

CAPLIN & DRYSDALE, CHARTERED  
Kevin C. MacLay, Esq. (admitted *pro hac vice*)  
Todd E. Phillips, Esq. (admitted *pro hac vice*)  
Jeffrey A. Liesemer, Esq. (admitted *pro hac vice*)  
Quincy M. Crawford, III, Esq.  
(admitted *pro hac vice*)  
Serafina Concannon, Esq. (admitted *pro hac vice*)  
One Thomas Circle, NW, Suite 1100  
Washington, D.C. 20005  
Tel: (202) 862-5000  
Fax: (202) 429-3301  
kmacLay@capdale.com  
tphillips@capdale.com  
jliesemer@capdale.com  
mcrawford@capdale.com  
sconcannon@capdale.com

*Co-Counsel to the Opioid Master Disbursement Trust II*